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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/773,068	02/04/2004	Steve Elmer	AOL0134	6042

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EXAMINER	
ADAMS, CHARLES D	
ART UNIT	PAPER NUMBER
2164	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/773,068	ELMER, STEVE	
	Examiner	Art Unit	
	Charles D. Adams	2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 September 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. In response to communications filed on 25 September 2006, claims 1, 9, 11, 21 are amended, no claims are cancelled, and claims 31 and 32 are added per applicant's request. Claims 1-32 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 31 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 31 states "wherein said step of applying a browser test script is performed while under development and prior to distribution". However, it is unclear what is under development and will be distributed (ie, a test script, a step of testing, a browser, a webpage).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1, 3-6, 10-11, 13-16, 20-21, 23-26, 30-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Marullo et al. (US Patent 6,185,701).

As to claim 1, Dutta et al. teaches a method of testing browser software in a computer environment (see Abstract), the method comprising the steps of:

Dutta et al. does not teach generating a list of URLs (Universal Resource Location) using a web crawler;

Generating a list of URLs (Universal Resource Location) using a web crawler (see Marullo et al. 13:62-14:14);

Applying a browser test script (see Marullo et al. 8:22-45), wherein said browser test script automatically instructs a first browser program containing said browser software to load and render web pages according to the list of URLs, wherein said browser test script tests said browser software over a plurality of applications at sites contained within the list of URLs (see Marullo et al. 8:22-45 and Dutta et al. 7:8-21, 7:50-65 and 8:5-10. Marulla et al. teaches using a virtual browser to traverse a list of websites. Dutta et al. teaches using the actual browsers or emulated browser programs to test websites and browsers. Dutta et al. also teaches that one can test websites in a series, albeit manually, 8:5-12);

Detecting one or more errors in rendering of said first browser program using the web pages (see Dutta et al. 7:8-21 and 7:50-65); and

Automatically storing information about said one or more errors (see Dutta et al. 7:56-65 and Figure 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Marullo et al., since Marullo et al. teaches that "by providing for the aforementioned automated cliet-based web universal resource (link) extraction tool, such automation avoids the inadequacies associated with user testing and intervention wherein manual users might otherwise be required to request pages, view document source, and document all of the links (assuming they were found without error) associated with the HTML pages. The getlinks subsystem accordingly automatically finds all links on each page, and moreover formats the output data for use by the other test tools" (see 14:32-43).

As to claim 11, Dutta et al. teaches an apparatus of testing browser software in a computer environment, comprising:

Dutta et al. does not teach a module for generating a list of URLs (Universal Resource Location) using a web crawler;

A module for generating a list of URLs (Universal Resource Location) using a web crawler (see Marullo et al. 13:62-14:14);

A browser test script module, wherein said browser test script module automatically instructs a first browser program containing said browser software to load and render web pages according to the list of URLs (see Marullo et al. 8:22-45), wherein said browser test script tests said browser software over a plurality of

applications at sites contained within the list of URLs (see Marullo et al. 8:22-45 and Dutta et al. 7:8-21, 7:50-65 and 8:5-10. Marulla et al. teaches using a virtual browser to traverse a list of websites. Dutta et al. teaches using actual programs or emulated browser programs to test websites in different browsers);

A module for detecting one or more errors in rendering of said first browser program using the web pages (see Dutta et al. 7:8-21 and 7:50-65); and

A module for automatically storing information about said one or more errors (see Dutta et al. 7:56-65 and Figure 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Marullo et al., since Marullo et al. teaches that "by providing for the aforementioned automated cliet-based web universal resource (link) extraction tool, such automation avoids the inadequacies associated with user testing and intervention wherein manual users might otherwise be required to request pages, view document source, and document all of the links (assuming they were found without error) associated with the HTML pages. The getlinks subsystem accordingly automatically finds all links on each page, and moreover formats the output data for use by the other test tools" (see 14:32-43).

As to claim 21, Dutta et al. teaches a program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform a method for testing browser software in a computer environment (see Abstract), the method comprising the steps of:

Dutta et al. does not teach generating a list of URLs (Universal Resource Location) using a web crawler;

Generating a list of URLs (Universal Resource Location) using a web crawler (see Marullo et al. 13:62-14:14);

Applying a browser test script, wherein said browser test script automatically instructs a first browser program containing said browser software to load and render web pages according to the list of URLs (see Marullo et al. 8:22-45), wherein said browser test script tests said browser software over a plurality of applications at sites contained within the list of URLs (see Marullo et al. 8:22-45 and Dutta et al. 7:8-21, 7:50-65 and 8:5-10. Marulla et al. teaches using a virtual browser to traverse a list of websites. Dutta et al. teaches using actual programs or emulated browser programs to test websites in different browsers);

Detecting one or more errors in rendering of said first browser program using the web pages (see Dutta et al. 7:8-21 and 7:50-65); and

Automatically storing information about said one or more errors (see Dutta et al. 7:56-65 and Figure 11).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Marullo et al., since Marullo et al. teaches that "by providing for the aforementioned automated cliet-based web universal resource (link) extraction tool, such automation avoids the inadequacies associated with user testing and intervention wherein manual users might otherwise be required to request pages, view document source, and document all of the

links (assuming they were found without error) associated with the HTML pages. The getlinks subsystem accordingly automatically finds all links on each page, and moreover formats the output data for use by the other test tools" (see 14:32-43).

As to claims 3, 13, and 23, Dutta et al. as modified teaches wherein the detecting of the one or more errors comprising the step of:

Automatically instructing a second browser program to load and render the web pages (see Dutta et al. 7:23-35); and

Comparing a representation of rendering results of the first browser program to a representation of rendering results of the second browser program (see Dutta et al. 7:50-65).

As to claims 4, 14, and 24, Dutta et al. teaches wherein one or more errors are detected when the representation of rendering results of the first browser program does not match the representation of rendering results of the second browser program (see Dutta et al. 8:65-9:14).

As to claims 5, 15, and 25, Dutta et al. teaches wherein the representation of rendering results of the first browser program comprises a screen image of a web page rendered by the first browsing program (see Dutta et al. 7:66-8:3, and Figure 5).

As to claims 6, 16, and 26, Dutta et al. teaches wherein the representation of rendering results of the first browser program comprises an internal representation of a web page as interpreted by the first browser program (see Dutta et al. 8:65-9:14).

As to claim 31, Dutta et al. as modified teaches wherein said step of applying a browser test script is performed while under development and prior to distribution (see Dutta et al. 8:51-54. The web page can still edited, and 8:25-29. A user can send the file to the program or point to a URL. Therefore, the webpage isn't necessarily "released" yet).

As to claim 32, Dutta et al. as modified teaches wherein a rendering of a known browser program is compared with said first browser program to validate in part said first browser program (see 7:50-65. The first browser program's score (an evaluation of how it was rendered) is compared to other known browser programs).

6. Claims 2, 12, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Marullo et al. (US Patent 6,185,701), and further in view of Broadwell et al. ("System for Generating Secure Crash Information").

Dutta et al. as modified teaches the claim upon which this claim is dependent.

Dutta et al. does not teach wherein the one or more errors include a crash of the first browser program in rendering one of the web pages.

Broadwell et al. teaches wherein the one or more errors include a crash of the first browser program in rendering one of the web pages (see section 1.1, paragraph 1. Crash reporting tools were well known in the art at the time of the invention. Mozilla uses "Talkback", which is implemented to detect crashing of a browser).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Broadwell et al., since Broadwell et al. teaches that "remote crash reporting technology grants the developer access to potentially vast amounts of crash data, speeding the diagnosis and repair of software vulnerabilities" (section 1.1, paragraph 3).

7. Claims 7, 17, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Marullo et al. (US Patent 6,185,701), and further in view of Examiner taking Official Notice.

Dutta et al. as modified teaches wherein the internal representation of the web page comprises attributes of the web page (see Dutta et al. 8:65-9:14)

Dutta et al. as modified does not explicitly teach including:

A background color;

A number of columns of a table; and

A number of rows of a table.

However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have tested a web page in Dutta et al. that included the components listed in claim 7, since they are common components in HTML / webpage designing. Dutta et al. teaches testing for tags (see 8:65-9:14).

8. Claims 8, 18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723), and further in view of Shindo (US Patent 6,865,592).

Dutta et al. as modified teaches the claim upon which these claims depend.

Dutta et al. as modified does not teach automatically restarting the first browser program after a crash of the first browser program in rendering one of the web pages.

Shindo teaches automatically restarting the first browser program after a crash of the first browser program in rendering one of the web pages (see Shindo 11:15-23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Shindo, since Shindo teaches that "if a failure occurs due to the Web environment on the automatic transaction apparatus side, such as halting of the Web browser, or if a failure occurs due to the Web environment on the Web server side, such as shut-down of the server or congestion on the network, the automatic transaction apparatus cannot download applications required to operate. Therefore the automatic transaction

apparatus halts the process. If the automatic transaction apparatus stops, customers cannot be serviced" (see 1:31-39).

9. Claim 9, 19, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dutta et al. (US Patent 6,918,066) in view of Marullo et al. (US Patent 6,185,701), and further in view of Garcia-Chiesa (US Pre-Grant Publication 2002/0099723).

As to claim 9, 19, and 29, Dutta et al. as modified teaches does not teach.

Garcia-Chiesa teaches further comprising the step of avoiding duplicated visits to a same URL (see Garcia-Chiesa paragraph [0010]. "Further, the methods the present invention generate lists of unique URLs that are marked each of them as static, thus the engines do not need to follow ANY non-static link. Plus, the list that follows is deduplicated, optimized and sanitized").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Dutta et al. by the teaching of Garcia-Chiesa, since Garcia-Chiesa teaches that "Further more the techniques include the elimination of possible crawling loops that due to minor differences in the emitted URLs format could otherwise be undetected by crawlers not specifically aware of the non-materiality of these subtle syntactic differences" (see paragraph [0043]).

Response to Arguments

10. Applicant's arguments with respect to claims 1, 11, and 21 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that Dutta et al. does not teach "testing a browser with multiple applications". This argument is incorrect. Dutta et al. generates a score output for each browser, wherein the browsers receive scores based on how well application content was rendered. This is "testing" a browser. Dutta et al. also teaches that it is possible to test a second application, (see 8:5-12), meeting the teaching of "testing a browser with multiple applications".

Applicant also discusses the purpose of the invention on page 10 of the reply dated 25 September 2006, lines 4-9"In this manner, the browser developer can exercise the browser in a computer environment containing a plurality of applications. If applications are identified where the browser does not perform properly, then the browser developer can modify the browser. Respectfully, testing of the application and modifying the application as taught in Dutta are distinct tasks from testing a browser and modifying a browser". While testing and modifying an a web page are different than testing and modifying a browser, there is no claimed subject matter wherein the browser software may be modified based on the results of the test. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Adams whose telephone number is (571) 272-3938. The examiner can normally be reached on 8:30 AM - 5:00 PM, M - F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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